

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

ALVOTECH USA INC. and
ALVOTECH HF.,
Plaintiffs,

v.

ABBVIE INC. and ABBVIE
BIOTECHNOLOGY LTD,
Defendants.

C.A. No. 2:21-cv-265-RAJ-DEM

NOTICE

NOW COME Defendants, AbbVie Inc. and AbbVie Biotechnology Ltd, by counsel, to update the Court on a recent development regarding AbbVie's pending motion to dismiss or, in the alternative, to transfer under, *inter alia*, the first-to-file rule (Dkt No. 32). Specifically, in the attached decision issued this morning, the Northern District of Illinois denied Alvotech HF's ("Alvotech") Motion to Dismiss in the first-filed case in its entirety, rejecting all of Alvotech's arguments, and allowing the Illinois case to proceed. AbbVie respectfully submits that, in view of that decision, the instant case should be dismissed or transferred.

Dated: August 24, 2021

ABBVIE INC.
AND ABBVIE BIOTECHNOLOGY LTD

By: /s/ Richard H. Ottinger
Richard Ottinger (VSB #38842)
Dustin M. Paul (VSB # 75287)
Jennifer L. Eaton (VSB #87491)
Vandeventer Black LLP
101 W. Main Street, Ste. 500
Norfolk, VA 23510
Telephone: (757) 446-8673
rottinger@vanblacklaw.com
dpaul@vanblacklaw.com

jeaton@vanblacklaw.com

*Attorneys for AbbVie Inc., and AbbVie
Biotechnology Ltd*

OF COUNSEL:

Michael A. Morin (admitted *pro hac vice*)
David P. Frazier (admitted *pro hac vice*)
Tara Elliott (admitted *pro hac vice*)
michael.morin@lw.com
david.frazier@lw.com
tara.elliott@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004-1304
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

Herman H. Yue (admitted *pro hac vice*)
herman.yue@lw.com
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
Facsimile: (212) 751-4864

William B. Raich (admitted *pro hac vice*)
Charles T. Collins-Chase (admitted *pro hac vice*)
Kassandra M. Officer (admitted *pro hac vice*)
william.raich@finnegan.com
charles.collins-chase@finnegan.com
kassandra.officer@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Ave., N.W.
Washington, D.C. 20001
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Oulu Wang (admitted *pro hac vice*)
lulu.wang@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
2 Seaport Lane
Boston, MA 02210
Telephone: (617) 646-1600
Facsimile: (617) 646-1666